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In re Application of Goldman et al. :
Application No. 09/870,252 :
Filing Date: May 29, 2001 :
Attorney Docket No. 08204/0203161-US0 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed November 4, 2005, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed December 27, 2004. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, this application became abandoned on March 28, 2005. A Notice of Abandonment was mailed on August 5, 2005.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The petition is signed by John Branch. Branch was not an attorney or agent of record at the time the application became abandoned. Therefore, it appears that Branch was not in a position to have firsthand knowledge of the facts and circumstances of the delay. Nevertheless, Branch's statement that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay was unintentional, petitioner must notify the Office.

Technology Center Art Unit 2616 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions